

1 in this application, any reference to exactly what Translator
2 facilities and LPTV facilities you are referring to?

3 A No, sir.

4 Q Thank you.

5 A There, there is a notation if information of such
6 interest is requested by the Commission, it will be provided
7 promptly or immediately.

8 Q Now do you see the reference under, under Mrs. Duff,
9 the narrative: Mrs. Duff is also involved with, and I quote,
10 "various foreign broadcast facilities," end quote.

11 A Yes, sir.

12 Q Does it describe what facilities those are?

13 A No, sir.

14 Q Okay. Now when you filed this application, as well
15 as the Portland application, isn't it a fact that you knew
16 that the Commission's television branch would be processing
17 this application? In fact, you had spoken with Alan Glasser,
18 who works in that, that branch, correct?

19 A Yes, sir.

20 Q Now you were shown earlier, a number of filings.
21 You were shown, shown those filings by Mr. Topel in Exhibits
22 -- Trinity Exhibits Number 122 and 121. And those exhibits
23 consisted of, for example, an EEO filing.

24 A Yes, sir.

25 Q Now when you -- you have practiced before the

1 Commission since 1980, is that correct?

2 A Yes, sir.

3 Q And at the time that you filed the Odessa
4 application and the Portland applications, you had been
5 practicing before the Commission for at least six years?

6 A Yes, sir.

7 Q When you submitted the EEO filings to the
8 Commission, wasn't it your understanding that the EEO branch
9 would be processing that form?

10 A Yes, sir.

11 Q And among the, the filings that Mr. Topel showed
12 you, showed you earlier were LPTV applications.

13 A Yes.

14 Q Is that correct?

15 A Yes, sir.

16 Q And it was your understanding that when an LPTV
17 application is filed with the Commission, the low-power branch
18 processes that application, isn't that correct?

19 A Yes, sir. I'm not sure how long there has been a
20 low-power branch, how far back it goes. There was a point
21 about this time when essentially the television branch
22 included to, and may still do that, you may just have a
23 separate division within it.

24 Q And you were also shown by Mr. Topel various
25 ownership reports this morning. Correct?

1 A Yes, sir.

2 Q And it's your understanding from your practice
3 before the Commission that when ownership reports are filed
4 with the Commission, that they Commission's ownership section
5 processes and files those forms as well, correct?

6 A Yes, sir.

7 Q Now when you filed the Odessa and the Portland
8 applications -- strike that. When you submitted the various
9 EEO, low-power, and ownership filings that Mr. Topel showed
10 you earlier -- strike that.

11 (Asides.)

12 Q When you filed the various low-power, EEO, and
13 ownership filings that Mr. Topel showed you earlier, was it
14 your understanding that the information contained in those
15 filings would be presented to the TV branch in order to cure
16 any deficiencies that might exist in the Odessa and Portland
17 applications?

18 A They're, they're public documents. They're here at
19 the agency. Frankly, in terms of how they're circulated, I
20 really don't know. I didn't, I mean it wasn't my conscious
21 thinking that somehow now these are going to be incorporated
22 in any particular application. It was material in file as
23 part of the public record at the FCC.

24 Q Mr. May, isn't it a fact that the Odessa and the
25 Portland applications were never amended to incorporate by

1 reference any of the information contained in the EEO,
2 low-power, or ownership filings that Mr. Topel referred you to
3 earlier?

4 A I think that's, yes. I think that's correct, yes,
5 sir.

6 Q And it's also a fact, is it not, that you did not
7 specifically intend that the information that was included in
8 the low-power, EEO, and ownership filings be considered by the
9 TV branch in reviewing the Odessa and the Portland applica-
10 tions.

11 A I don't -- I didn't have any intent at all, except
12 this is material had to be filed with the Commission. It's
13 public information. It's there. So I mean certainly there's
14 no intent to withhold or not to disclose the information.

15 Q But you had no specific intent that the information
16 that you filed in the low-power, EEO, and ownership applica-
17 tions relate, in any way, to the then pending Odessa and
18 Portland applications. Isn't that correct?

19 A That's true. But the ownership reports, for
20 example, did have listings and giving the ownership of
21 Television Translator. This is material that was in the
22 public files.

23 Q Mr. May, is there any way that someone looking at
24 the Odessa or the Portland applications would know that the
25 P. Jane Duff who was referred to in the Portland and Odessa

1 applications, is the same Jane Duff who is referred to in any
2 of the ownership, EEO, or low-power filings?

3 A I had specific conversations with the processing
4 staff about, among other things, Mrs. Jane Duff, P. Jane Duff,
5 Jane Duff, Jane P. Duff, she's gone by a number of different
6 names.

7 Q Is there anything in the filings? I didn't ask you
8 whether you had conversations. I'm talking about the official
9 filings, the public documents. There isn't, is there?

10 A There is a -- I'm sorry, ask the question again,
11 please.

12 Q Is there any way that someone looking at the Odessa
13 or the Portland applications would know that the P. Jane Duff
14 who is referenced in those applications is the same Jane Duff
15 who is referenced in the low-power, EEO, or ownership filings?

16 A Even in the owner -- even in the Odessa application,
17 she's noted as being Jane Duff in Exhibit 1, although in the
18 table on the, in the form itself it says P. Jane Duff.

19 Q Well, does it say there that Jane Duff is assistant
20 to the president of TBN?

21 A No, sir, it does not.

22 Q Does it say that she's a salaried employee of TBN?

23 A No, sir, it does not.

24 Q Did any of the filings, that is the EEO, low-power,
25 or ownership filings that Mr. Topel referred you to earlier,

1 make any reference that NMTV had applications pending for
2 Odessa or Portland?

3 A I'm sorry, I mean maybe I didn't hear the question?

4 Q All right. I'll repeat it. Did any of the filings
5 that Mr. Topel referred you to earlier, that's the low-power,
6 the EEO, or the ownership filings, did any of those filings
7 indicate that NMTV had applications pending for Odessa or
8 Portland?

9 (Asides.)

10 A I'm sorry, I knew you were talking to your
11 colleague.

12 Q I'm, I'm waiting for your, your response.

13 A The ownership material filed did show National
14 Minority. At the time, National Minority had material that
15 was pending with the Commission, which was the Odessa files
16 and the like. There is nothing in there, however, that
17 specifically says, oh, and make sure you reference this with
18 regard to BAPCT number such and so forth, or any specific
19 application at the Commission.

20 Q Thank you. Can you turn to Bureau Exhibit Number
21 59, which is in Volume One.

22 A Yes, sir.

23 Q As of May 23, 1983, did you already have a telephone
24 installed and operating at your offices' new addresses, at
25 1156 15th Street, Northwest, in Washington?

1 A No, sir.

2 Q Where did that number come from?

3 A We had been in communication with the telephone
4 company that we were going to be at this location and they
5 gave us a telephone number, but the phone number wasn't
6 actually connected and operational, frankly, for the, for some
7 time. I don't recall that we got it until sometime during
8 that first week, latter part of the first week of June.

9 Q Now I'd like to refer you to the license
10 applications for Odessa and Portland, Bureau Exhibit
11 Number 224.

12 (Asides.)

13 A I have the one for Odessa.

14 Q And the one for Portland is Trinity Exhibit 101, Tab
15 V, as in Victor, page 61.

16 A Yes, sir, I have them.

17 Q You'll have to wait for me, because I don't.

18 (Asides.)

19 MR. TOPEL: Do you want to see it.

20 MR. SCHONMAN: Is that page 61?

21 MR. TOPEL: That's it, yes.

22 MR. SCHONMAN: Mr. May has it.

23 Q Now there was discussion earlier with Mr. Cohen
24 about Ben Miller's role with respect to these two
25 applications, and my question for you, looking over these

1 applications, isn't it a fact that neither application makes
2 any reference to the fact that Ben Miller was a salaried
3 employee of TBN?

4 A Yes, sir. That's true.

5 Q It does not make that reference?

6 A No, sir, it does not make that reference.

7 Q That's it, Your Honor. I have no further questions.

8 JUDGE CHACHKIN: Do you have anything, Mr. Topel?

9 MR. TOPEL: I appreciate the opportunity, Your
10 Honor. I'd just like to wish Your Honor and everybody all a
11 happy New Year. See you in 1994.

12 JUDGE CHACHKIN: Right. You're excused. Thank you,
13 Mr. May.

14 MR. COHEN: I'll stipulate to that, Your Honor.

15 JUDGE CHACHKIN: All right. All right, we'll be in
16 recess until January 10th, 1994, at 9:30 a.m. All right.

17 (Whereupon, the hearing was recessed at 1:15 p.m. on
18 December 23, 1993 to reconvene at 9:30 a.m. on January 10,
19 1994.)
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25

CERTIFICATE OF REPORTER, TRANSCRIBER, AND PROOFREADER

IN THE MATTER OF TRINITY BROADCASTING OF FLORIDA, INC.
Name AND GLENDALE BROADCASTING COMPANY


MM DOCKET NO. 93-75
Docket No.

WASHINGTON, D.C.
Place

DECEMBER 23, 1993
Date

We, the undersigned, do hereby certify that the foregoing pages, numbers 3505 through 3636, inclusive, are the true, accurate and complete transcript prepared from the reporting by MARYKAE FLEISHMAN in attendance at the above identified proceeding, in accordance with applicable provisions of the current Federal Communications Commission's professional verbatim reporting and transcription Statement of Work and have verified the accuracy of the transcript by (1) comparing the typewritten transcript against the reporting or recording accomplished at the proceeding and (2) comparing the final proofed typewritten transcript against the reporting or recording accomplished at the proceeding.

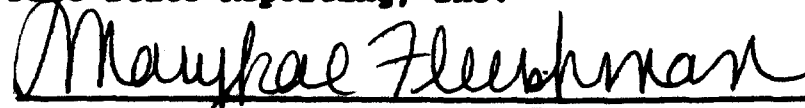
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